

VILLAGE OF BREWSTER  
PROPOSED  
AMENDMENT TO  
BREWSTER VILLAGE CODE

BE IT ENACTED by the Board of Trustees of the Village of Brewster, Putnam County, New York, as follows:

Section 1. Chapter 78 of the Code of the Village of Brewster is hereby enacted to read as follows:

**Chapter 78**

**BICYCLES**

**§ 78-1. Legislative intent.**

The Board of Trustees of the Village of Brewster recognizes and supports the privilege of all citizens of the Village to be able to utilize the streets and sidewalks of the Village in a safe and efficient manner. The Board of Trustees of the Village of Brewster also finds that it is in the best interest of the Village of Brewster to maintain safe and functional areas for pedestrian, bicycle and vehicular traffic throughout the Village. Accordingly, the Village of Brewster finds that it is necessary to regulate the use of bicycles in the Village of Brewster in a manner that is in the best interest of the health, safety and welfare of the community of the Village of Brewster.

**§ 78-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**BICYCLE** - A vehicle with two wheels propelled solely by human power and having pedals, handlebars and a seat. The term shall include a bicycle for two or more persons, having seats and corresponding sets of pedals arranged tandem.

**OPERATION OF A BICYCLE** - The act of riding a bicycle. Operation of a bicycle shall not include walking a bicycle by its handle bars while not seated on the bicycle and with no feet on the pedals of the bicycle.

**§ 78-3. Prohibited acts.**

It shall be unlawful, and a violation of this chapter, for any individual to engage in any of the following acts:

- A. Operation of a bicycle on any sidewalk within the Village of Brewster. This provision shall not apply to individuals less than fourteen years of age, who are accompanied by a parent or adult guardian.
- B. Operation of a bicycle while carrying more than the number of persons intended to ride such bicycle. With respect to this provision, each rider of a bicycle must have their own seat and their own set of handlebars and pedals.
- C. Parking a bicycle upon a street or sidewalk, unless such bicycle is in an upright position and supported by a bicycle rack or the bicycle's own stand.

D. Parking a bicycle in a manner that creates an obstruction to pedestrians.

**§ 78-4. Exemption for Police Officers.**

Police officers, while on duty, shall be exempt from the provisions of this chapter.

**§ 78-5. Penalties for offenses.**

Any person violating any provision of this Chapter shall be guilty of a violation and, upon conviction thereof, shall be punishable by a penalty not greater than \$250 and/or not more than 15 days in jail; provided that a person who violates this Chapter after having been convicted of a violation of this Chapter within the preceding three years, upon conviction thereof, shall be punishable by a penalty not greater than \$350 and/or not more than 15 days in jail; and further provided that a person who violates this Chapter after having been convicted two or more times of a violation of this Chapter within the preceding three years, upon conviction thereof, shall be punishable by a penalty not greater than \$500 and/or 15 days in jail.

**§ 78-6. Enforcement.**

This Chapter shall be enforced by any official authorized to issue and serve appearance tickets under Chapter 4, "Appearance Tickets," of the Code of the Village of Brewster or the laws of the State of New York, including the Village Code Enforcement Officer, Village Parking Enforcement Officer, and any Police Officer.

Section 2. If any provision of this local law shall be deemed by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions of this local law shall remain in full force and effect.

Section 3. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

Dated: \_\_\_\_\_, 2014